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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,038	04/08/1999	MITSUO NIIDA	35.C13444US	6992

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EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/288,038

Applicant(s)

NIIDA ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,17-20 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,17-20 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. The indicated allowability of claims 1, 4, 7, 17-20, and 27-31 is withdrawn in view of the newly discovered reference(s) to Housel. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. Claim 1, 4, 7, 17-20, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US 5,938,735) further in view of Housel (US 6,453,343).

Regarding claims 1 and 20, Malik teaches a method and apparatus for a data communication system (fig. 4). The system comprises a controller (fig. 4 box 24), a destination node (fig. 4 box 160), a source node (fig. 4 box 100) node adapted to transfer object data asynchronously using a communication protocol selected by the controller and a logical connection set by the controller (col. 8 lines 29 - 34).

The controller is adapted to obtain information about a communication capability of the source node (fig. 4 box 100) from a first register and the destination node (fig. 4 box 160) at a first register (identify the common attributes, col. 8 lines 29 - 34), to select a common protocol using the

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information obtained from the source node and the destination node (col. 8 lines 29 - 34), to set a logical connection between the source node and the destination node (allocate the B channel resources, col. 8 lines 29 - 34). The examiner equates the source terminal (fig. 4 box 100) as the first register of the source and the destination terminal (fig. 4 box 160) as the first register of the destination.

Malik fails to teach storing information about the communication protocol and logical connection at the source and destination nodes in a second register.

Housel teaches storing information about the communication protocol at the source and destination nodes in a second register (fig 6 box 104, fig. 7 box 118, col. 14 lines 64-66, col. 15 lines 56-58).

Therefore it would have been obvious to one of ordinary skill in the art, having both Malik and Housel before him/her and with the teachings [a] as shown by Malik, a system for identifying the common communication attributes of the destination and source terminals, and [b] as shown by Housel, storing information about the communication protocol at the source and destination nodes, to be motivated to modify the system of Malik by storing the communication protocol selected by the controller at protocol caches located at the source and

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destination. This would improve the system of Malik, by allowing the user to benefit by being able to use the protocol cache of the previous session rather than restarting with a "cold" start (Housel: col. 14 lines 23-28).

Housel is silent on storing the logical connection set by the controller.

The examiner takes official notice that this would have been obvious to one skilled in the art to also store the logical connection if the connection were not statically assigned given that the protocol has been stored.

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of Malik and Housel before him/her, a system for identifying the common communication attributes of the destination and source terminals and storing information about the communication protocol at the source and destination nodes, to be motivated to modify the system of the combination of Malik and Housel by also storing information about the logical connections between the source and the destinations at both locations. This could be performed using cache as done with the protocol cache. This would improve the system by allowing the user to benefit by being able to use the previous logical connections rather than restarting with a "cold" start.

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Regarding claims 4 and 27, the controller is adapted to select a communication protocol using a broadcast transaction or another communication protocol (Malik: I.451/Q.931, col. 6 lines 61-64).

Regarding claims 7 and 28, the controller is adapted to select a communication protocol using a write transaction or another communication protocol (Malik: I.451/Q.931, col. 6 lines 61-64).

Regarding claims 17 and 29, the communication line of the communication system is a serial bus (Malik: fig. 4 connection 27, col. 6 lines 13 - 16).

Regarding claims 18 and 30, the communication system conforms to an IEEE 1394-1995 standard (Malik: col. 10 lines 13-16).

Regarding claims 19 and 31, the object data includes image data (Malik: col. 6 lines 37-41).

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Response to Arguments

3. Applicant's arguments with respect to claims 1, 4, 7, 17-20, and 27-31 have been considered but are moot in view of the new ground(s) of rejection. The examiner agrees with the applicant that the references provided in the prior office action do not teach second registers at the source and destination for storing information concerning the current connection. (applicant: pg. 8 lines 12-17). Therefore, another search was performed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

RA

Ronald Abelson
Examiner
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RU

January 24, 2003

Seema S-Rao
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